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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/932,700

08/17/2001

Takayuki Ohkubo

CU-2628

5754

26530

7590

10/31/2006

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EXAMINER

MILIA, MARK R

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/932,700

Applicant(s)

OHKUBO ET AL.

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/06 has been entered. Currently, claims 1-12 and 35-37 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 8/9/06 have been fully considered but they are not persuasive.

The applicant asserts, on page 6, that the reference of Higashio does not disclose retrieval of image data based on the time that is related to the original image and does not disclose social events, as "birthday" and "wedding anniversary" are personal events. The examiner agrees that Higashio does not disclose retrieval of image data based on the time that is related to the original image, as Higashio does not specifically disclose the occurrence time of the event as part of the additional although a user can add any other additional information to the image data, which may include the

occurrence time of the event. Also, "birthday" and "wedding anniversary" can be viewed as personal events instead of social events but the claims states "social, current and/or passing events", and "birthday" and "wedding anniversary" can definitely fall into the passing events category. Thus, it is possible for Higashio to store information such as event genre information and occurrence time of the event associated with image data (see column 6 lines 13-66). Further Mizoguchi discloses storing image data with associated event genre information and occurrence time of the event (see Fig. 6C and column 7 lines 10-27 and 56-60). Mizoguchi also discloses retrieving the image data based on both the event genre information and the occurrence time of the event (see column 8 lines 7-48). Therefore, the combination of Higashio and Mizoguchi disclose all the limitations set forth in the claims as currently recited.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-12 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashio (US 6421062) in view of Mizoguchi (US 5805215).

Regarding claim 1, Higashio discloses an image plus event information printing system, which comprises: an image data inputting means for inputting a datum of original image (see Figs. 1 and 2, column 3 lines 58-65, column 4 lines 32-40, and column 5 lines 41-44), an event information database which memorizes the data of

social, current and/or passing events information being sorted with two or more items, wherein one of the items consists of the genre of the event (see Figs. 4 and 5, column 5 lines 3-29 and column 6 lines 5-66), an event genre selecting means, wherein a genre is selected from genres of event information (see column 6 lines 5-66), an event information retrieval means for extracting any event information in the selected genre, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), an image editing means for preparing a datum of an image plus event information, from the datum of original image and the extracted event information (see column 6 lines 5-66 and column 7 lines 22-58), and a printing means for printing the image plus events information in accordance with the datum prepared by the image editing means (see column 7 lines 53-58).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event and retrieval means for extracting any event information in the selected genre within a predetermined range being correlation to the time which is related to the original image.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5) and retrieval means for extracting any event information in the selected genre within a predetermined range being correlation to the time which is related to the original image (see column 8 line 7-48).

Regarding claim 7, Higashio discloses a server which delivers a material datum for image synthesis to a terminal or server capable of editing the image via line, which comprises: an event information database which memorizes the data of social, current and/or passing events information being sorted with two or more items, wherein one of the items consists of the genre of the event (see Figs. 4 and 5, column 5 lines 3-29 and column 6 lines 5-66), an event genre selecting means, wherein a genre is selected from genres of event information (see column 6 lines 5-66), an event information retrieval means for extracting any event information in the selected genre, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), and a transmission means for transmitting the retrieved data to the terminal or server capable of editing the image (see Figs. 1 (8) and 2 (201), column 4 lines 1-20 and 32-40, and column 6 lines 5-7 and 13-22).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event and retrieval means for extracting any event information in the selected genre within a predetermined range being correlation to the time which is related to the original image.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5) and retrieval means for extracting any event information in the selected genre within a predetermined range being correlation to the time which is related to the original image (see column 8 line 7-48).

Regarding claim 10, Higashio discloses a server which is connected to a terminal via line and transmits to the terminal a datum of image which is synthesized herein, which comprises: a receiving means for receiving a datum of original image (see Figs. 1 and 2, column 3 lines 58-65, column 4 lines 32-40, and column 5 lines 41-44), an event information database which memorizes the data of social, current and/or passing events information being sorted with two or more items, wherein one of the items consists of the genre of the event (see Figs. 4 and 5, column 5 lines 3-29 and column 6 lines 5-66), an event genre selecting means, wherein a genre is selected from genres of event information (see column 6 lines 5-66), an event information retrieval means for extracting any event information, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), an image editing means for preparing a datum of an image plus event information, from the datum of original image and the extracted event information (see column 6 lines 5-66 and column 7 lines 22-58).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event and retrieval means for extracting any event information within a predetermined range being correlation to the time which is related to the original image.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5) and retrieval means for extracting any event

information within a predetermined range being correlation to the time which is related to the original image (see column 8 line 7-48).

Higashio & Mizoguchi are combinable because they are from the same field of endeavor, composition of image data based on particular reference criteria.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the occurrence time and date of an event, that has been photographed and processed into image data, as a reference and search tool to aid in the combination of image data for output (i.e. printing), as described by Mizoguchi, with the system of Higashio.

The suggestion/motivation for doing so would have been to provide improved searching ability and an increase in system performance by adding time and date information, which is commonly added to a photograph at the time of capture, that can be searched and used as a particular criteria for image combination (see column 1 lines 32-33 and 49-62 of Mizoguchi).

Therefore, it would have been obvious to combine Mizoguchi with Higashio to obtain the invention as specified in claims 1, 7, and 10.

Regarding claims 2, 8, and 11, Mizoguchi further discloses wherein the time which is related to the original image is the photographed day of the original image (see Figs. 5, 6, and 9, column 6 lines 51-65, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).



Regarding claim 3, Higashio further discloses an event information selecting means wherein one or more events information are selected as user's pleases from the retrieved events information when two or more events information are retrieved from the sorted data at the event information retrieval means and thereby, the image editing means prepares the datum of the image plus event information, from the datum of original image and the event information selected by the event information selecting means (see Figs. 3-5, column 6 lines 5-7 and 13-22, and column 7 lines 22-58).

Regarding claim 4, Higashio further discloses wherein the system comprises a terminal part and a event information service part which are connected to each other via line (Fig. 2 (220)), wherein the terminal part includes the image data inputting means (Fig. 2 (8)), the image editing means (Fig. 2 (201) and column 6 lines 13-22) and the printing image plus event means (Fig. 2 (7)), and wherein the event information service part includes the event information database (Fig. 4 (31) and column 5 lines 3-29) and the event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58).

Regarding claim 5, Higashio further discloses wherein the system comprises a terminal part and a retrieval and editing part, which are connected to each other via line (Fig. 2 (220)), wherein the terminal part includes the image data inputting means (Fig. 2 (8)) and the printing means (Fig. 2 (7)), and wherein the retrieval and editing part includes the current event information database (Fig. 4 (31) and column 5 lines 3-29), the current event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58), and the image editing means (Fig. 2 (201) and column 6 lines 13-22).

Regarding claim 6, Higashio further discloses wherein the system comprises a terminal part, an editing part, and an event information service part wherein the terminal part and editing part are connected to each other via line (Fig. 2 (220)), and the editing part and the event information service part are connected to each other via line (Fig. 2 (220)) wherein the terminal part includes the image data inputting means (Fig. 2 (8)) and the printing means (Fig. 2 (7)) and wherein the editing part includes the image editing means (Fig. 2 (201) and column 6 lines 13-22), and wherein the event information service part includes the event information database (Fig. 4 (31) and column 5 lines 3-29) and the event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58), and the image editing means (Fig. 2 (201) and column 6 lines 13-22).

Regarding claims 9 and 12, Higashio further discloses wherein one or more events information are selected as user's pleases from the retrieved events information when two or more events information are retrieved from the sorted data at the event information retrieval means (see Figs. 3-5, column 6 lines 5-7 and 13-22, and column 7 lines 22-58).

Regarding claims 35-37, Higashio further discloses wherein the genres of the events information comprise entertainments news, sports, science, political economy, and non-genre (see column 6 lines 5-66, reference shows genres such as birthday, Christmas, or wedding anniversary, which would fall into the non-genre category as non-genre is seen to be anything not part of the other listed genres).

**Conclusion**

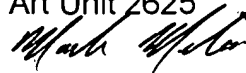
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRM

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Art Unit 2625



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